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E.O. 12958: DECL: 11/06/2019

TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-VI):
(U) INSPECTION PROTOCOL WORKING GROUP MEETING, OCTOBER 23,
2009

REF: GENEVA 0919 (SFO-GVA-VI-008)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VI-020.

12. (U) Meeting Date: October 23, 2009
Time: 10:00 A.M. - 12:15 P.M.
Place: U.S. Mission, Geneva

SUMMARY

13. (S) The second meeting of the U.S. and Russian Inspection Protocol Working Group (IPWG) was held at the U.S. Mission on October 23, 2009. The Russian side presented its response to the U.S. proposal on prioritizing the work on tier three annexes, stating that the critical ones that should be completed prior to treaty signature are those that involve procedures for inspections of deployed strategic offensive arms (SOA) and their nuclear warheads (number 6 in the U.S. numbering system); procedures for inspections and exhibitions of heavy bombers and their nuclear armaments (number 8); size criteria for inspections (number 10); and, possibly, procedures for technical characteristics exhibitions for new types or variants of ICBMs and SLBMs (number 12). Following this discussion, the sides proceeded to work through the second part of Section IV (Activities Beginning Upon Arrival at the Point of Entry) and the first part of Section V (General Rules for the Conduct of Inspection Activities) of

the Inspection Protocol (IP). A typical pattern emerged in which an initial sentence of a paragraph that established a right was preserved in the so-called "tier two" IP, and most of the detailed language was removed and "sent down" to the tier three annexes.

¶4. (U) Subject Summary: Annex Priorities; Homework from the First IPWG; IP Section IV Paragraph-by-Paragraph; IP Section V Paragraph-by-Paragraph; and, Wrap Up.

ANNEX PRIORITIES

¶5. (S) Dr. Warner opened the second meeting of the IPWG by stating that he had three items to address. First, the U.S. side was interested in receiving the Russian response to the U.S. chart provided during the first IPWG meeting that listed and prioritized the 14 annexes to the IP. Second, the United States was willing to discuss the classifications of inspection activities, although Warner noted that this topic had come up at the one-on-one between him and Col Ilin that immediately preceded the IPWG meeting and that both sides had more to do on this issue. Finally, Warner stated that the United States wanted to move forward with the detailed language in the IP, picking up from the middle of Section IV (Activities Beginning Upon Arrival at the Point of Entry) where the first meeting of the IPWG had stopped.

¶6. (S) Ilin responded by noting that the U.S. approach to the annexes reduced the number of documents, taking into

account the Russian side's position. He stated that the Russian side accepted the concept of a third tier and the need to prioritize the work on the annexes. For the Russian side, the most critical annexes that should be completed prior to treaty signature are number 6 in the U.S. numbering convention (Procedures for Inspections of Deployed Strategic Offensive Arms and Their Nuclear Warheads); number 8 (Procedures for Inspections and Exhibitions of Heavy Bombers, Nuclear Armaments for Heavy Bombers, Long-Range Non-Nuclear ALCMs, and Heavy Bomber Facilities)' number 10 (Size Criteria to be Used During Inspections and Continuous Monitoring); and, possibly, number 12 (Procedures for Technical Characteristics Exhibitions for New Types or Variants of ICBMs and SLBMs). Those annexes related to Continuous Monitoring were unacceptable to the Russian side and should be put aside for the time being. (Begin comment: These are annexes number 12, 13, and 14 in the U.S. numbering convention. End comment.) Ilin then handed over an English version of the Russian "Reaction to the U.S. Proposals on the New Order of Inspection Annexes."

¶7. (S) Warner noted that the Russian side appeared to agree with the U.S. approach to prioritizing our work on the annexes, but that it had been much more selective about which annexes had to be agreed upon before December 5, 2009. He concurred that the ones designated by the Russian side as critical were among the most important and needed to be worked in detail, but added that the United States would have to get back to the Russian side on this matter.

HOMEWORK FROM THE FIRST IPWG

¶8. (S) After Warner recommended that the issue of types of inspections be set aside for later, Ilin stated that Russia owed the United States a response on the question of how much detailed language was necessary to provide for inspection teams arriving at the San Francisco Point of Entry (POE) (paragraphs 3 and 4 of U.S.-proposed Joint Draft Text (JDT), dated October 19, 2009). The Russian side did not want to delete these provisions, but thought that a better approach would be to write general provisions that would apply to all POEs, in Russia as well as in the United States. Ilin then proposed that two new definitions of the terms "POE" and

"inspection aircraft" be added to the treaty's Terms and Definitions as first tier language and passed over a paper with Russian language versions of the definitions. Warner replied that adding these terms to the Terms and Definitions section may not be useful, since people reading Section IV of the IP would not know where to look, but added that the United States would study this idea.

¶9. (S) Ilin added that he had another Russian "effort" to give the United States--language for IP Section V.4, which he passed across the table, stating that he thought it belonged in the "Protocol, level two." The U.S. side responded with its homework from the previous IPWG meeting, and provided the Russian side a U.S.-proposed text for Annex 1 (Transportation Procedures), color coded to differentiate between language that should be retained in Annex 1, language that had been brought down from level two (the IP), and language that had been moved to the Memorandum of Understanding (MOU).

IP SECTION IV
PARAGRAPH-BY-PARAGRAPH

¶10. (S) The discussion turned to a detailed paragraph-by-paragraph march through Section IV of the IP (Activities Beginning Upon Arrival at the Point of Entry). Picking up where the sides left off in the first IPWG (Reftel), decisions were made on the following paragraphs:

-- Storing equipment and supplies at the POE (paragraph ((7))1 ((5))2 (in the U.S.-proposed JDT): The United States agreed to keep one sentence that establishes the right to store equipment and supplies in a secure structure or room in Section IV (tier two), and move the remaining details (e.g., locks, seals, etc.) to tier three, provided that no changes are made to the details. Warner said he did not want to revisit this language in the future.

-- Designation of the inspection site (paragraph ((8))1 ((6))2 in the U.S.-proposed JDT): Warner noted that this paragraph is crucial, as it contains the provision that describes the process of designating a site for inspection activities. Ilin noted that this is contained in the Russian notification section, not the IP. Warner replied that the United States could accept the first clause of the Russian text ("At the point of entry the inspection team leader shall ..."), but that the United States would need to study and get back to the Russians as to whether the Russian provision in the notification section is sufficient.

-- Nuclear warhead inspection (NWI) site designation (paragraph 9 in the U.S.-proposed JDT): Warner noted that the United States had broadened the scope of this paragraph to apply to all ICBMs and SLBMs, not just mobile ICBMs. Ilin asked whether it would be possible to combine this paragraph with similar ones for delivery vehicles. Warner replied that paragraph 9, which applies to NWIs of ICBMs and SLBMs, and paragraph 10, which covers NWIs for heavy bombers, have significant differences, such as the "70 percent rule" related to the number of bombers present at the inspection site. Nonetheless, Warner agreed to see if the two paragraphs could be merged.

-- Ilin stated that some of the language in paragraph 10 consists of details that could be relegated to tier three; in addition, the Russian side has not agreed to the concept of sequential inspections and they would therefore bracket subparagraph 10(c). Warner, after noting that the low inspection quota proposed by the Russian side was related to the absence of sequential inspections in their position, agreed to bracket subparagraph 10(c) for the time being.

-- Provision of meals, lodging, etc. (paragraph 18 in the U.S.-proposed JDT): The sides agreed to move this paragraph to the General Rules Section of the IP (Section V).

-- Cost settlement (paragraph 19 in the U.S.-proposed JDT): The United States proposed moving paragraph 19 to Annex 4 of the IP (Settlement of Accounts) and the Russians agreed.

-- Goods and services (paragraph 20 in the U.S.-proposed JDT): The sides agreed to move the first sentence to the General Rules section of the IP, which is in tier two, and the remainder of paragraph 20 to Annex 3 of the IP (General Rules).

-- Media coverage (paragraph 11 in the U.S.-proposed JDT): Ryzhkov stated that Russian military base commanders wanted to propose allowing filming at a base during inspections. However, the Russian side had no language to provide during this IPWG meeting. Warner noted that the U.S. version of paragraph 11 applied only to media rights at the POE, not at the inspection site, and that the United States would take the idea under consideration. Ilin proposed moving this paragraph into tier three, and Warner countered, stating that the United States would consider keeping a basic sentence that provides the right to allow media coverage at the POE as a "hook," with the remaining details sent down to tier three.

-- Provision of meals, lodging, etc. for the escort crew (paragraph 20 in the U.S.-proposed JDT): As this paragraph is related to continuous monitoring, it was agreed to bracket it.

IP SECTION V
PARAGRAPH-BY-PARAGRAPH

11. (S) The U.S. and the Russian sides continued to work the language in Section V of the IP (General Rules for the Conduct of Inspection Activities) paragraph-by-paragraph. The results follow:

-- Basic obligation of Section V (paragraph 1 in the U.S.-proposed JDT): The U.S. side argued that this paragraph was needed as the legal basis for Section V; the Russian side stated that it wished to keep the paragraph bracketed.

-- Provision of meals, lodging, work space, etc. for inspectors (paragraph ((2))1 ((1))2 of the U.S.-proposed JDT): This paragraph was moved from Section IV of the IP as the "hook" to direct the reader to more detailed language in Annex 3 (General Rules).

-- Provision of meals, lodging, work space, etc. for monitors (paragraph 3 in the U.S.-proposed JDT): This paragraph will remain bracketed as it applies to continuous monitoring.

-- Non-disclosure of information (paragraph ((4))1 ((2))2 of the U.S.-proposed JDT): Ilin noted that in the Russian-proposed text, this paragraph had been put into the treaty itself (tier one), based on the opinion of Russian legal experts. The sides agreed to refer the language to their respective legal advisors regarding where to locate this provision.

-- Site diagram boundaries (paragraph 5 in the U.S.-proposed JDT, paragraph 3 in the Russian-proposed text): Warner noted that the U.S. side had prepared language that

combined the U.S. and Russian versions of this paragraph and passed an initial draft to the Russian side. Ilin agreed to consider the new language.

-- Sites with non-contiguous areas (paragraph 6 in the U.S.-proposed JDT): The U.S. side stated that this paragraph

had been moved to the tier three General Rules Annex.

-- Communications via the in-country escort, non-interference, and safety (paragraph ((6))1 ((4))2 of the U.S.-proposed JDT): Warner stated that the United States had sought to combine three separate paragraphs from the previous version of the JDT into a single paragraph, since the subjects of the paragraphs were closely related. The Russian side agreed to include the new paragraph and accepted the language.

-- Lighting (paragraph 7 of the U.S.-proposed JDT): The sides agreed to move the provision on lighting to Annex 3 (General Rules) of the IP.

-- Inappropriate actions by inspectors and in-country escorts (both paragraphs 7 of the U.S.-proposed JDT): The sides agreed to move the provision on inspectors and in-country escorts acting inappropriately to Annex 3 (General Rules) of the IP.

-- Movement of inspectors, monitors, and in-country escorts (paragraph 7 of the U.S.-proposed JDT): The sides agreed to move this paragraph to Annex 1 (Transportation Procedures) of the IP.

-- Representatives of the inspected facility as part of the in-country escort (paragraph ((7))1 ((5))2 of the U.S.-proposed JDT): The Russian side suggested that the paragraphs that address communications be combined in a single paragraph; the U.S. side agreed to look at how to merge this paragraph with the next paragraph on the ability of inspectors to be in communication with their embassy during the in-country period, as well as the ability of inspector subgroups to communicate with each other.

WRAP UP

¶12. (U) The second IPWG adjourned after working on the first part of Section V of the IP and agreed to pick up where they left off at the next meeting of the IPWG.

¶13. (S) Documents exchanged.

- U.S.:

-- Annex 1 (Transportation Procedures); and

-- Section V, paragraph 5 of the IP.

- Russia:

-- Reaction to the U.S. Proposals on the new Order of Inspection Annexes (charts);

-- Definitions of POE and Inspection Aircraft; and

-- Draft language for IP Section V.4

¶14. (U) Participants:

U.S.:

Dr. Warner
Mr. Brown
Mr. Buttrick
Mr. Coussa
Mr. DeNinno
Maj Johnson
Mr. Rust
Mr. Sims
Mr. Smith
Mr. Tarrasch
Mr. Taylor
Mr. Shkeyrov (Int)

RUSSIA

Col Ilin
Ms. Fuzhenkova
Mr. Ivanov
Col Izrazov
Ms. Kotkova
Mr. Luchaninov
Ms. Melikbekian
Coll Novikov
Gen Poznihir
Mr. Shevchenko
Mr. Smirnov
Gen Venevtsev
Mr. Vorontsov
Ms. Zharkih
Mr. Gayduk (Int)

¶15. (U) Ries sends.
GRIFFITHS